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January 18, 2013

**VIA ECF**

Honorable Michael A. Hammer  
United States Magistrate Judge  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re:** *United States ex rel. Simpson v. Bayer*  
Civ. No. 05-3895 (JLL-MAH)

Dear Magistrate Judge Hammer:

Please accept this letter in lieu of a more formal application on behalf of Defendants Bayer Corporation, Bayer Healthcare Pharmaceuticals, Inc., and Bayer Healthcare LLC ("Bayer Defendants").<sup>1</sup> Pursuant to Local Civil Rule 6.1(a), the Bayer Defendants respectfully seek an extension of time of fourteen (14) days within which to answer or otherwise respond to the Seventh Amended Complaint in this matter.<sup>2</sup> Counsel for Relator has consented to this application for a fourteen-day extension of time, or until February 4, 2013, for the Bayer Defendants to serve its motion to dismiss.

As set forth in this Court's November 19, 2012, Order (ECF No. 99), the Bayer Defendants' time to answer or otherwise respond to the Seventh Amended Complaint — in this case, to move to dismiss, by way of serving its motion and supporting papers on the Relator, as directed by Your Honor — currently expires on January 21, 2013. Additional time is required, however, to enable counsel to address the multiple theories of relief sought in the Seventh Amended Complaint under the laws of the United States and multiple states on whose behalf Relator seeks to act. In addition, certain lawyers with substantial responsibility for the preparation of the brief were recently unavailable as a result of becoming ill with the flu. Apart from receiving a fifteen-day extension of time within which to respond to the Third Amended Complaint from the Clerk of the Court on June 13, 2010, pursuant to Local Civil Rule 6.1(b), the Defendants have not sought any similar extensions in this matter.

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<sup>1</sup> This application is brought only by Bayer Corporation, Bayer HealthCare Pharmaceuticals, Inc., and Bayer HealthCare LLC ("Bayer"). Bayer AG, a named defendant, has not yet been served.

<sup>2</sup> The Bayer Defendants have come before the Court solely for the purpose of the requested extension and not for the purpose of appearing either generally or specially in this jurisdiction, nor having waived any defenses available to them by such appearance.

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For these reasons, the Bayer Defendants respectfully request that the Court grant Defendants' consent application. If Your Honor has any questions or concerns about this matter, please do not hesitate to contact me. Thank you for your kind consideration.

Respectfully submitted,

s/ Lawrence S. Lustberg  
Lawrence S. Lustberg

cc: Hon. Jose L. Linares, U.S.D.J. (*via ECF*)  
Eugene A. Schoon, Esq. (*via ECF*)  
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